

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-4428**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL SHON WILLIAMS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CR-01-233-HO)

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Submitted: February 6, 2003

Decided: February 12, 2003

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Before WILKINS, MICHAEL, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Thomas P. McNamara, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Ethan Ainsworth Ontjes, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Michael Shon Williams, who pled guilty to possessing cocaine base with intent to distribute, in violation of 21 U.S.C. § 841(a) (2000), and being a felon in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1) (2000), appeals from his conviction and 110-month sentence. In a brief filed pursuant to Anders v. California, 386 U.S. 738 (1967), Williams' attorney states there are no meritorious issues for appeal, but challenges the constitutionality of § 841 in the wake of Apprendi v. New Jersey, 530 U.S. 466 (2000), nevertheless. Williams was informed of his right to file a pro se supplemental brief but failed to do so.

This Court and other courts of appeals have repeatedly upheld the constitutionality of § 841 following Apprendi. See, e.g., United States v. McAllister, 272 F.3d 228, 232 (4th Cir. 2001). Hence, Williams' sole argument on appeal is meritless.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Williams' conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from

representation. Counsel's motion must state that a copy thereof was served on the client.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED